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**September 12, 2002****FAX RECEIVED****SEP 13 2002****OFFICIAL****GROUP 1600**

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Dameron Jones, Examiner	Group Art Unit 1616 U.S. Patent & Trademark Office	(703) 308-4640	(703) 308-4556

**FROM**

SENDER	EMAIL	TELEPHONE	FAX
Diana L. Bush, Ph.D., Esq.	Dbush@Brobeck.com	(858) 720-2826	(858) 720-2555

**MESSAGE**

Re: U. S. Patent Application Ser. No. 09/978,454  
Filed Date: October 15, 2001

Dear Examiner Jones:

Per our telephone conversation, please find the attached "Remarks" document, along with copies of previously filed First, Second, and Third Preliminary Amendments.

Diana L. Bush, Ph.D., Esq.

**P R I V I L E G E D   A N D   C O N F I D E N T I A L**

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<b>Brobeck</b> ATTORNEYS AT LAW Brobeck, Phleger & Nordman LLP 1330 La Jolla Village Drive San Diego, California 92108-4600 PHONE (619) 592-9000 FAX (619) 592-9001 www.brobeck.com					
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<b>TO</b> RECIPIENT TC 1600 - Customer Service		COMPANY Group Art Unit 1616 U.S. Patent & Trademark Office		TELEPHONE (703) 572-0305	FAX (703) 572-0306
<b>COURTESY COPY TO:</b> RECIPIENT Deborah Jones, Reactions		COMPANY Group Art Unit 1616 U.S. Patent & Trademark Office		TELEPHONE (786) 308-4640	FAX (786) 308-4556
<b>FROM</b> ADDRESS Diana L. Bush, Ph.D., Esq.		EMAIL dbush@brobeck.com		TELEPHONE (858) 720-2826	FAX (858) 720-2555
<b>MESSAGE</b>  Re: U.S. Patent Application Ser. No. 09/078,456 Filed Date: October 16, 2001 Your Exhibitions: For our telephone conversation, please find the attached "Remarks" document, along with copies of previously filed Second and Third Preliminary Amendments.  Diana L. Bush, Ph.D., Esq.					
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Patent  
030727.0027.CON1**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**Applicants: Erion *et al.*

Serial No.: 09/978,454

Filed: October 15, 2001

Title: NOVEL PRODRUGS FOR  
PHOSPHORUS-CONTAINING  
COMPOUNDS

Group Art Unit: 1616

Examiner: Dameron Jones

Commissioner for Patents  
Washington, D.C. 20231**REMARKS**

Dear Sir:

The Applicants wish to thank the Examiner for her consideration in returning their representative's phone call regarding the preliminary amendments that are not in the file in this matter.

As per the Examiner's request, the Applicants include herewith copies of the three preliminary amendments previously filed on January 22, 2002, January 25, 2002 and March 27, 2002 and the Auto-Reply Facsimile Transmissions from the PTO, acknowledging receipt of the amendments.

**CERTIFICATE OF TRANSMISSION**  
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Third Preliminary Amendment  
Serial No. 09/978,454  
Page 2 of 2

030727.0027.CON1

The Applicants respectfully request that the Examiner withdraw the Office Action mailed August 29, 2002 in order to consider all of the preliminary amendments.

Respectfully Submitted,

Date:

9/12/02

By:

Diana L. Bush

Diana L. Bush

Reg. No. 51,109

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<b>January 22, 2002</b>					
Brobeck, Phleger & Harrison LLP 12300 La Jolla Village Road San Diego, California 92130-2001 PHONE 619.720.2000 FAX 619.720.2555 www.brobeck.com					
PAGES TO FOLLOW COVER	9	USER ID	006656	CARD NUMBER	030727.0027.CON2
<b>TO</b> RECIPIENT TCI600 - Customer Service (1619)		COMPANY United States Patent and Trademark Office		TELEPHONE 800.786.9199	FAX 703.872.9346
<b>FROM</b> JEFFREY		EMAIL jreano@brobeck.com		TELEPHONE (858) 720-2630	FAX (858) 720-2555
<b>MESSAGE</b>					
RE: U.S. Patent Application Serial No.: 08/078,454 Filing Date: October 16, 2001					
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**January 22, 2002**

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**FROM**

SENDER	EMAIL	TELEPHONE	FAX
Jeff Beno	Jbeno@Brobeck.com	(858) 720-2630	(858) 720-2555

**MESSAGE**

RE: U.S. Patent Application Serial No.: 09/978,454  
Filing Date: October 15, 2001

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Patent  
030727.0027.CON1

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Mark D. Erion, et al.

Serial No.: 09/978,454

Filed: October 15, 2001

For: NOVEL PRODRUGS FOR  
PHOSPHORUS-CONTAINING  
COMPOUNDS

Group Art Unit: 1619

Examiner: To be assigned

TRANSMITTAL LETTERCommissioner for Patents  
Washington, D.C. 20231

Sir:

Enclosed are the following documents:

- First Preliminary Amendment; and
- Associate Power of Attorney.

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Patent  
030727.0027.CON1

No fee is believed due with this submission; however, the Commissioner is authorized to charge any fee required or to credit any overpayment to our Deposit Account No. 50-1273.

Respectfully submitted,

BROBECK, PHLEGER &amp; HARRISON LLP

Dated: 1/22/02By: Jessica R. WolffJessica R. Wolff  
Reg. No. 37,261

JRW:jxb

**BROBECK, PHLEGER & HARRISON LLP**  
12390 El Camino Real  
San Diego, CA 92130-2081  
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<b>FROM</b> SENDER Janice Ostep		<b>EMAIL</b> J.Ostep@Brobeck.com		<b>TELEPHONE</b> (858) 720-2695 <b>FAX</b> (858) 720-2555	
<p><b>MESSAGE</b></p> <p>Re: U.S. Patent Application Serial No. 09/078,454 Filing Date: October 16, 2001</p>					
<p align="center"><b>PRIVILEGED AND CONFIDENTIAL</b></p> <p>All information transmitted hereby is intended only for the use of the addressee(s) named above. If the reader of this message is not the intended recipient or the employee or agent responsible for delivering this message to the intended recipient(s), please note that any distribution or copying of this communication is strictly prohibited. Anyone who receives this communication in error should notify us immediately by telephone and email the return message to us at the above address.</p>					
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**FROM**

SENDER	EMAIL	TELEPHONE	FAX
Janice Crisp	JCrisp@Brobeck.com	(858) 720-2893	(858) 720-2555

**MESSAGE**

Re: U.S. Patent Application Serial No. 09/978,454  
Filing Date: October 15, 2001

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FROM		EMAIL		TELEPHONE	FAX
Diana L. Bush, Ph.D.		DBush@Brobeck.com		(858) 720-2895	(858) 720-2555
MESSAGE					
Re: U.S. Patent Application Serial No. 09/978,454 Group Art Unit 1619 Filing Date: October 15, 2001					
Please find the attached Third Preliminary Amendment in the above-referenced matter.					
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Diana L. Bush, Ph.D.	DBush@Brobeck.com	(858) 720-2885	(858) 720-2555		

**MESSAGE**

Re: U.S. Patent Application Serial No. 09/978,454  
Group Art Unit 1619  
Filing Date: October 15, 2001

Please find the attached Third Preliminary Amendment in the above-referenced matter.

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